Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Parts 2 and 95 of the	)	
Commissions' Rules to Establish The	)	RM No. 11271
Medical Data Service at 401-402 and	)	
405-406 MHz	)	

REPLY COMMENTS OF DEXCOM, INC.

DexCom, Inc. ("DexCom"), by its attorneys, hereby replies on the above-captioned Petition for Rulemaking ("Petition"). DexCom opposes any change to the rules that would subject devices that do not have listen-before-transmit technology to miniscule power level requirements and that would require these devices to move to new spectrum.

The submitted comments, and the record as a whole, do not indicate any need to create a two-tiered medical implant regulatory scheme, subjecting some devices to more stringent technical requirements. None of the commenters indicate that there is crowding in the MICS band or that MICS devices have been subject to harmful interference by other MICS devices operating under a waiver of the listen-before-transmit rules. In fact, comments from Biotronik indicate that the opposite is true, and that, if anything, the spectrum is under-utilized and has no reported interference problems.[1]

With regard to the comments from Zarlink Semiconductor ("Zarlink"), DexCom notes that not all MICS devices can be designed to utilize the new low powered transceiver chips designed by Zarlink. DexCom discussed in the proceedings concerning its request for waiver of the MICS rules that its system

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[1] *In the Matter of Amendment of Parts 2 and 95 of the Commissions' Rules to Establish the Medical Data Service at 401-402 and 405-406 MHz*, Comments of Biotronik at 4-5.

cannot take advantage of these ultra low powered chips.[2] As AMI Semiconductor ("AMIS"), the manufacturer of the integrated circuits used in DexCom's system, explained:

> Although AMIS, and other manufacturers, make integrated circuits that support listen before transmit (LBT), the availability of such circuits does not in itself signify that they are appropriate for every type of implantable device. For the DexCom technology, continuous monitoring of blood glucose levels imposes demands on the battery that are inconsistent with LBT. Enforcing full compliance with LBT for DexCom's implantable CGM device will reduce battery life significantly.[3]

Use of the chips mentioned by Zarlink would cause DexCom's devices to be too large to be used successfully in patients. For this reason, DexCom urges the Commission to make the MICS rules more flexible rather than less flexible for devices such as DexCom's, a decision that would provide significant public interest benefits given the many patients awaiting use of DexCom's system.

In conclusion, DexCom requests the Commission deny the Petition to the extent it would force certain MICS devices to move to new spectrum and operate under unduly restrictive power levels. The Commission should instead proceed with its own rulemaking proceeding to consider expanding MICS by providing for greater flexibility in the listen-before-transmit requirements.

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[2] *See In the Matter of DexCom, Inc., Request for Waiver of the Frequency Monitoring Requirements of the Medical Implant Communications Service Rules*, Reply of DexCom, Inc., ET Docket No. 05-213 (filed Aug. 1, 2005).

[3] *In the Matter of DexCom, Inc., Request for Waiver of the Frequency Monitoring Requirements of the Medical Implant Communications Service Rules*, AMIS Letter at 1.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply Comments of DexCom, Inc. was sent by first-class mail, postage prepaid, this 11th day of October, 2005, to the following:

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/s/
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